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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 JOHN FITZGERALD WILLIAMS,  
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12 Plaintiff,

13 v.

14 PATRICIA JACKSON

15 Defendants.

CASE NO. 3:21-cv-05352-DGE

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING PLAINTIFF'S  
COMPLAINT

16 On May 11, 2021, Plaintiff, then detained at the Pierce County Jail, filed a complaint  
17 under 42 U.S.C. § 1983 alleging violations of his civil rights. (Dkt. No. 1.) The Clerk of the  
18 Court mailed to Plaintiff an Order Directing Service and Notice of Option to Consent to U.S.  
19 Magistrate Judge Theresa L. Fricke. (*See* Dkt. Nos. 4, 5.) On August 4, 2021, the mailing was  
20 returned as undeliverable. (Dkt. No. 6.) On September 16, 2021, the Court issued an order  
21 requiring Plaintiff to update his address by October 4, 2021 or face dismissal of this matter  
22 without prejudice. (Dkt. No. 17.) The Court's order was also returned as undeliverable. (Dkt.  
23 No. 22.)  
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1 Pursuant to Local Civil Rule 41(b)(2), Plaintiff is required to keep the Court and  
2 opposing parties advised as to his current address. “If mail directed to a pro se plaintiff by the  
3 clerk is returned by the Postal Service, . . . and if such plaintiff fails to notify the court and  
4 opposing parties within 60 days thereafter of his or her current mailing . . . address, the court  
5 may dismiss the action without prejudice for failure to prosecute.” Local CR 41(b)(2).

6 On October 5, 2021, United States Magistrate Judge Theresa L. Fricke, finding that more  
7 than 60 days elapsed since the Court’s mailing to Plaintiff was returned by the Postal Service as  
8 undeliverable, and noting Plaintiff’s failure to keep the Court and Defendants apprised of his  
9 current mailing address, issued a Report and Recommendation recommending dismissal of this  
10 action without prejudice, and denial of Defendant Slothower’s motion to dismiss without  
11 prejudice as moot. (Dkt. No. 23.)

12 The Court mailed a copy of Judge Fricke’s Report and Recommendation to Plaintiff,  
13 which was returned by the Postal Service as undeliverable, and Plaintiff has not updated the  
14 Court concerning his current address or objected to Judge Fricke’s Report and Recommendation.

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1 Having considered the Report and Recommendation of Judge Theresa L. Fricke, United  
2 States Magistrate Judge, any objections, and the remainder of the record, the Court finds and  
3 ORDERS:

4 (1) The Court ADOPTS the Report and Recommendation;

5 (2) Plaintiff's complaint is DISMISSED without prejudice pursuant to LCR 41(b)(2) for  
6 failure to prosecute; and

7 (3) Defendant Slothower's motion to dismiss (Dkt. No. 19) is DENIED without prejudice  
8 as moot.

9 Dated this 2nd day of December 2021.

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12 David G. Estudillo  
13 United States District Judge  
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